

BARACK FERRAZZANO

Barack Ferrazzano Kirschbaum & Nagelberg LLP

Connor T. Gants | T. 312.984.3184 | connor.gants@bfkn.com

March 26, 2024

Application GRANTED. The Clerk of Court is directed to terminate the motion at ECF No. 71.

VIA ECF

Honorable Judge Arun Subramanian
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: March 27, 2024

Re: Joint Letter Requesting Extension Of Time – *Amarte USA Holdings, Inc. v. Bergdoff Goodman LLC, et al.*, 1:24-cv-00883-AS

Dear Honorable Judge Subramanian:

Pursuant to Your Honor's Individual Practices in Civil Cases (Rule 3.E.), the parties jointly submit this letter to request an extension of time for Plaintiff to file today a Corrected Opposition Brief and for Defendants to reply to Plaintiff's forthcoming corrected Opposition brief to Defendants' Motion to Dismiss based on the following:

On March 25, 2024, Plaintiff filed its Opposition brief to Defendants' March 15, 2024 Motion to Dismiss. Plaintiff's Opposition brief is 25 pages, exceeding the allotted 20 page limit in this Court's Individual Practices in Civil Cases (Rule 8.C.).

The parties have met and conferred over this page limit issue and agreed that Plaintiff will correct its brief within the 20-page limit by 5:00 p.m. Eastern on March 26, 2024. Accordingly, the parties have also agreed to extend Defendants' Reply brief due date an extra day, from its current due date of **April 1, 2024** (see Mar. 7, 2024 Scheduling Order, ECF No. 53) to **April 2, 2024**.

The parties also agreed that Plaintiff will file a Motion for Leave to File a Second Amended Complaint by Thursday, March 28, 2024, and Defendants will oppose such motion.

Defendants have not sought any prior extensions. They request this extension so that they have sufficient time to review and reply to Plaintiff's forthcoming corrected Opposition brief, particularly in light of the Easter holiday. Both parties consent to this extension.

The parties' next scheduled appearance before the Court is a hearing on the Motion to Dismiss scheduled on April 17, 2024 at 4:30 PM. (See Mar. 19, 2024 Memo Endorsement, ECF No. 64.) Such an extension will not affect this hearing date or any deadlines in this case, as there are no other deadlines aside from current the April 1, 2024 Reply brief due date, which the parties request be extended to April 2, 2024.

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Respectfully Submitted,

/s/ Connor T. Gants

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**BARACK FERRAZZANO KIRSCHBAUM
& NAGELBERG LLP**